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BRANTLEY, WILKERSON & BRYAN, P.C.
ATTORNEYS & COUNSELORS

405 SOUTH HULL STREET
MONTGOMERY, ALABAMA 36104
TEL 334 265 1500

DANA H BILLINGSLEY

dana@brantleywilkinson.com

March 19, 2004

Mr. Walter L. Thomas, Jr.
Secretary, Administrative Division
Alabama Public Service Commission
RSA Union, Room 850
100 North Union Street
Montgomery, Alabama 36104

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LEGAL DIV

MAILING ADDRESS
POST OFFICE BOX 830
36101-0830
FAX 334 265 0319

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APSC

Re: Implementation of the Federal Communications Commission's Triennial
Review Order
Docket No. 29054

Dear Mr. Thomas:

Enclosed please find Comments of the Rural ILECs in response to the Commission's March 10, 2004 Notice seeking input as to whether the pending Triennial Review proceedings should be suspended and held in abeyance due to the recent ruling by the United States Court of Appeals for the District of Columbia.

Should you have any questions regarding this matter, please do not hesitate to contact either me or Mark Wilkerson. Thank you for your consideration of this matter.

Sincerely,
BRANTLEY, WILKERSON & BRYAN, P.C.


Dana H. Billingsley

DHB/dhb
Enclosures

BEFORE THE
ALABAMA PUBLIC SERVICE COMMISSION

In RE: Implementation of the Federal)	
Communications Commission's Triennial)	Docket No. 29054
Review Order)	

Comments of the Rural ILECs

The Rural Incumbent Local Exchange Carriers (ILECs) listed in Appendix "A," as attached hereto, submit the following comments in response to this Commission's March 10, 2004 Notice seeking input as to whether the pending Triennial Review proceedings should be suspended and held in abeyance due to the order of the United States Court of Appeals for the District of Columbia in *USTA v FCC, et al.*, Case No. 00-1012.

In pertinent part, the Court of Appeals vacated the FCC's delegation of decision-making authority over impairment determinations to state commissions as it applies to mass market switching and certain dedicated transport elements (DS1, DS3 and dark fiber) and vacated and remanded the national impairment determinations with respect to these elements.¹ This Commission's Order of October 28, 2003 established Phase II proceedings in this Docket for the purpose of determining issues related to "the continued availability of unbundled local switching for mass market customers (the 'UNE-P case')" and Phase III proceedings for the purpose of determining issues related to the "continued availability of unbundled high capacity loops and transport at certain locations (the 'high capacity loop transport case')."² Accordingly, the Court's opinion directly affects the Commission's intention to implement its

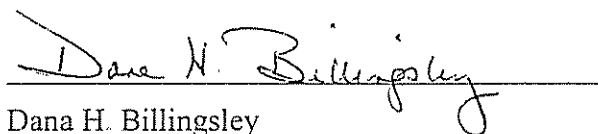
¹ See *USTA v FCC, et al.*, Case No. 00-1012 (D.C. Cir. Mar. 2, 2004), at p. 61

² APSC's *Notice Concerning the Status of Phase I and the Procedural Schedule for Phases II and III*, Docket 29054, issued October 28, 2003, at p. 3

responsibilities, as defined under the FCC's Triennial Review Order, in its scheduled proceedings in Docket 29054.

While the Rural ILECs are only tangentially involved in the ongoing proceedings in this Docket, they have expended considerable resources to monitor developments and respond to voluminous discovery requests from various parties to these proceedings. Telecommunications providers in Alabama should not be required to incur further expense to comply with an FCC mandate that has now been overturned. The Rural ILECs would thus encourage the Commission to suspend these proceedings indefinitely until such time as there is a clear and final order from the FCC regarding the state commissions' future role and mandates in this matter.

Respectfully submitted on this 19th day of March, 2004.

A handwritten signature in dark ink, appearing to read "Dana H. Billingsley", is written over a horizontal line.

Dana H. Billingsley
Mark D. Wilkerson
Attorneys for the Rural ILECs

OF COUNSEL:

Brantley, Wilkerson & Bryan, P.C.
405 South Hull Street
P.O. Box 830
Montgomery, Alabama 36104
Phone: (334) 265-1500
Fax: (334) 265-0319

EXHIBIT "A"

ALLTEL Alabama, Inc.
Ardmore Telephone Company, Inc.
Blountsville Telephone Company
Butler Telephone Company, Inc.
Brindlee Mountain Telephone Company
Castleberry Telephone Company, Inc.
CenturyTel of Alabama, LLC
Farmers Telephone Cooperative, Inc.
GTC, Inc. d/b/a GT Com
Frontier Communications of Alabama
Frontier Communications of Lamar County
Frontier Communications of the South, Inc.
Graceba Total Communications, Inc.
Gulf Telephone Company
Hayneville Telephone Company, Inc.
Hopper Telecommunications Co., Inc.
Interstate Telephone Company
Millry Telephone Company, Inc.
Mon-Cre Telephone Cooperative, Inc.
Moundville Telephone Company, Inc.
National Telephone of Alabama, Inc.
New Hope Telephone Cooperative, Inc.
Oakman Telephone Company, Inc.
Otelco Telephone, LLC. (formerly
Oneonta Telephone Company, Inc.).
Peoples Telephone Company, Inc.
Pine Belt Telephone Company, Inc.
Ragland Telephone Company, Inc.
Roanoke Telephone Company, Inc.
Union Springs Telephone Company
Valley Telephone Company

CERTIFICATE OF SERVICE

I hereby certify that I have, this 19th day of March, 2004, served a copy of the foregoing document on all counsel of record by placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

Francis B. Semmes, Esq.
BellSouth Telecommunications, Inc.
3196 Highway 280 South
Room 304N
Birmingham, Alabama 35243

William R. Atkinson, Esq.
3065 Cumberland Circle
Mailstop GAATLD0602
Atlanta, Georgia 30339

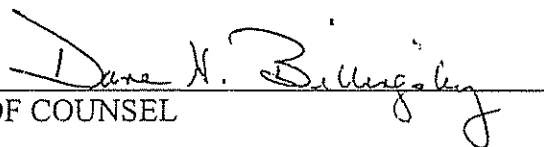
Robin G. Laurie, Esq.
Balch & Bingham, LLP
P.O. Box 78
Montgomery, Alabama 36101-0078

Edgar C. Gentle, III, Esq.
Gentle, Pickens, Eliason, Turner &
Ritondo
Two North 20th Street, Suite 1200
Birmingham, Alabama 35203

Wendell Cauley, Esq.
Bradley, Arant, Rose & White, LLP
401 Adams Avenue, Suite 780
Montgomery, Alabama 36104

James H. McLemore, Esq.
Capell & Howard, P.C.
P.O. Box 2069
Montgomery, Alabama 36102-2069

Robert E. Poundstone, IV, Esq.
Peter Fruin, Esq.
Maynard, Cooper & Gale, P.C.
RSA Tower, Suite 1650
201 Monroe Street
Montgomery, Alabama 36104


OF COUNSEL